

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

CITY NATIONAL BANK and RA  
SOUTHEAST LAND COMPANY, LLC,

Appellants,

v.

CHARLESTON ASSOCIATES, LLC,

Appellee.

Case No. 2:11-cv-02023-MMD-PAL

ORDER

(Motion for Leave to File Sur-Reply Brief  
– dkt. no. 26;  
Counter Motion for Leave to File Sur-  
Surreply Brief – dkt. no. 32;  
Cross Motion for Leave to File Response  
to Sur-Reply – dkt. no. 33)

Before the Court are Charleston Associates, LLC's ("Charleston") Motion for Leave to File Sur-Reply Brief (dkt. no. 26), as well as City National Bank and RA Southeast Land Company's Counter and Cross Motions for Leave to File Sur-surreplies (dkt. nos. 32 and 33).

Neither the Federal Rules of Civil Procedure nor this District's Local Rules authorize the filing of a sur-reply. Local Rule 7-2(a)-(c) allows parties to file a motion, a response and a reply. Thus, a party must obtain leave from the Court before filing a sur-reply. *Kanvick v. City of Reno*, 2008 WL 873085 (D. Nev. 2008). A court ordinarily permits a sur-reply to allow the non-moving party an opportunity to respond to new arguments raised in a reply brief. Here, the parties seek to add numerous filings to an already extensive amount of appellate briefing. In light of the ample briefing by the parties, Charleston's delay in bringing its Motion, and the Court's review of the appeal papers, the Court denies the parties' requests for leave. The Court will not review Charleston's proposed sur-reply, and takes the appeal under submission.

1 IT IS THEREFORE ORDERED that Charleston Associates, LLC's Motion for  
2 Leave to File Sur-Reply Brief (dkt. no. 26) is DENIED.

3 IT IS FURTHER ORDERED that RA Southeast Land Company's Counter Motion  
4 for Leave to file Sur-Surreply (dkt. no. 32) is DENIED.

5 IT IS FURTHER ORDERED that City National Bank's Cross Motion to File  
6 Response to Sur-Reply Brief (dkt. no. 33) is DENIED.

7 DATED THIS 25<sup>th</sup> day of March 2013.

8  
9  
10 

11 MIRANDA M. DU  
12 UNITED STATES DISTRICT JUDGE  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28